S.B.Cr. Revision No. 335/2006
(Lehri Lal Vs. State of Rajasthan and Ors.)

Date of order : 02/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Shreedhar Purohit for the petitioner.

This criminal revision petition under Section 397/401 Cr.P.C., is directed against the judgment and order dated 20.2.2006 passed by Judge, Family Court, Udaipur (for short 'the family court' hereinafter) whereby the trial court awarded maintenance @ Rs. 500/- and Rs. 300/- per month in favour of non-petitioner No.2 wife and non-petitioner No.3 son respectively and @ Rs.200/- per month in favour of Miss Anita on an application filed by non-petitioners No. 2 and 3 under Section 125 Cr.P.C. Aggrieved by the order impugned, the petitioner has filed the instant revision petition.

I have heard learned counsel for the petitioner and carefully gone through the judgment and order impugned.

Non-petitioners No. 2 and 3 filed an application seeking maintenance against the petitioner on the ground that the petitioner married to non-petitioner No.2 seven years ago according to Hindu Rites and from the loin of the petitioner, non-petitioner No.2 Raju was born. It is alleged that the petitioner started harassing the non-petitioner No.2 on account of demand

of dowry. She was turned out of her matrimonial home by pushing her and was asked to bring a sum of Rs. 50,000/- from her father so that the petitioner could purchase a new tractor. It is also alleged that since then, she has been residing at her parents' house. She claimed maintenance of Rs.2000/- per month for herself, Rs.1000/- per month for minor son Raju and Rs.500/- for medical expenses as she was pregnant. It is alleged that the petitioner earns Rs. 10,000/- per month by undertaking the work of Sweet maker at Mumbai and apart from this, the petitioner has 10 bighas of land by which he earns Rs. 5000/- per month; he lands the money on interest and as such he earns Rs. 20,000/- per month.

The trial court relying on the evidence produced by the non-petitioners, came to the conclusion that the petitioner failed to maintain the non-petitioners No.2 and 3 and non-petitioner wife was harassed on account of demand of dowry and turned out of her matrimonial home. The non-petitioner wife appeared as AW-1 and produced AW-2 Dhanna and AW-3 Bhuralal. The petitioner himself appeared as NAW-1 and produced NAW-2 Ganeshlal and NAW-3 Lachhiram.

By the judgment and order impugned, the trial court awarded maintenance @ Rs. 500/- per month in favour of non-petitioner No.2 wife, @ Rs. 300/- per month in favour of non-petitioner No.3 Raju and Rs.200/- per month in favour of minor

daughter Anita, in all Rs. 1000/- per month. A sum of Rs.1000/- per month as maintenance in favour of three persons cannot be said to be in any way excessive.

In the circumstances therefore, I do not find any error, illegality or perversity in the order impugned. The revision petition is accordingly dismissed.

(H.R.PANWAR),J.

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